



ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A.P. STATE WAQF BOARD**

4th FLOOR, IMDADAGHAR, OPP: KALESWARAO MARKET, VIJAYAWADA.

F.No.03/ATP/M/2021.

Date: 27-10-2022.

ANANTAPURAMU DISTRICT - TADIPATRI MANDAL - DARGAH HZT HAJI VALI SITUATED AT TALARICHERUVU VILLAGE - Sri N. HAJI BASHEER S/o. N. FAKRUDDIN, Sri N. BASHEER SAHEB S/o. N. MOHIDDIN SAB AND Sri N. BABA FAKRUDDIN S/o N. FAKRU SAHEB ARE APPOINTED AS MUTAWALLIES U/Sec.63 OF THE WAQF ACT, 1995 FOR A PERIOD OF TWO (2) YEARS.

Read :

1. Joint representation received on 30-08-2021.
2. This office Memo dated: 08-09-2021.
3. Report of the I.A.Waqf, Anantapuramu Dist, dt. 23-10-2021.
4. This office notification dated 19-11-2021.
5. Report of the I.A.Waqf, Anantapuramu Dist, dt. 08-12-2021.
6. This office Munthakhab in F.No.40/Regn/ATP/2018, dt. 29-06-2022.
7. Board's Resolution No.452 of 2022, dated 11-10-2022.
8. Orders of the Hon'ble Chairperson, APSWB, dated 14-10-2022.

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ORDER:

The Institution namely Dargah Hzt Haji Vali (Rh) situated at Talaricheruvu Village, Tadipatri Mandal, Anantapuramu District is a registered as Waqf vide Munthakhab No.40/REGN/ATP/2018, dated:29-06-2022 U/sec.40 & 41 of Waqf Act, 1995 under Mutawalliship of AP State Waqf Board. The said institution is existing in Sy.No. 674 & 685 total extent of Ac.0.85 cts of Talaricheruvu Village having and the object of the Waqf specified as Maintenance of Dargah, Masjid, Idgah Chillapahad and performance of annual Urs of Hzt Haji Vali Dargah.

A Joint representation has been received from 1.Sri N.Haji Basheer S/o. N.Fakruddin, 2.Sri N.Basheer Saheb, S/o N. Mohiddin Sab and 3.Sri N. Baba Fakruddin S/o N.Fakru Saheb, R/o Talaricheruvu Village Tadipatri Mandal, Anantapuramu District in the reference 1st read above with a request to appoint them as Mutawallies to Dargah Hzt Haji Vali (Rh) situated at Talaricheruvu Village, Tadipatri Mandal, Anantapuramu District.

In the ref.2nd read above, this office issued a Memo to Inspector Auditor Waqf, Anantapuramu District for calling detailed report in the subject matter and the I.A. Waqf, Anantapuramu District has submitted his reported in the ref. 3rd read above that the subject Dargah treated as Waqf by user and the Dargah is situated at Talaricheruvu (V) since 400 years. The applicant's herein and their descendants are doing services of the said Dargah as Mujawars. The applicants with the support of local public of Talaricheruvu have developed the Dargah, constructed a Masjid, Idgah and purchased the above lands for the maintenance of Dargah, Masjid, Idgah and chillapahad of the Hzt. Haji Vali (RA) and also constructed (28) rooms for the stay of devotees.

The I.A Waqf, Anantapuramu District further reported that the local non Muslim elders have tried to overtake the management of the above Dargah and its attached properties. The A.P. State Waqf Board has also constituted a Managing Committee under the President ship of Sri N. Shabeer Basha (Gora) to manage the affairs of said Dargah for a Period (2) two years. The term of the said managing committee was expired on 13-02-2019, since then the subject institution is maintaining by self styled committee. The applicants are requested to appoint them as Joint Mutawallies of Subject Dargah along with its attached institutions and its attached properties for development and protect the under statutorily.

The I.A.Waqf, Anantapuramu District finally reported that the institutions are maintaining by self styled committee and applicants, the income & expenditure particulars not prepared, they have paid Waqf fund regularly, no encroachments over above properties and also WP No. 17266 of 2018 was filed by Hzt Haji Vali Dargah Committee against AP State Waqf Board and (5) others.

Further W.P.No.24883 of 2014, dated.27-08-2014 was disposed by the Hon'ble High Court of AP that direction to 1st respondent (i.e. Board) to consider the aforesaid representation of the petitioner along with all other attendant circumstances and take appropriate decision expeditiously.

In the ref.4th read above a notification dated.19-11-2021 was issued for calling claims and objections for appointment of above (3) three persons as Joint Mutawallies U/sec.63 of Waqf Act,1995 and directed the applicants to pay the publication charges.

The I.A.Waqf, Anantapuramu Dist has submitted report dated:08-12-2021 along with original notification published paper stating that the afore said notification was published in Sakshi daily District edition of Anantapuramu on 20-11-2021 and there was no claims and objection received against the said notification in the ref. 5th read above.

The subject matter was placed before the Board and the Board has passed resolution No.452 of 2022, dated.11-10-2022 vide ref.7th read above to appoint Sri N.Haji Basheer S/o.N. Fakruddin, Sri.N.Basheer Saheb S/o.N.Mohiddin Sab and Sri N. Baba Fakruddin S/o N.Fakru Saheb as Mutawallies U/sec.63 of Waqf Act, 1995 for a period of Two (2) years for Dargah Hazrath Haji Vali situated at Talaricheruvu Village, Tadipatri Mandal, Anantapuramu District subject to outcome of the final Judgement in W.P. No. 17266 of 2018 of the Hon'ble High Court.

Accordingly, Sri.N.Haji Basheer S/o.N.Fakruddin, Sri.N.Basheer Saheb S/o.N.Mohiddin Sab and Sri N. Baba Fakruddin S/o N.Fakru Saheb are hereby appointed as Mutawallies to Dargah Hazrath Haji Vali situated at Talaricheruvu Village, Tadipatri Mandal, Anantapuramu Districe U/sec.63 of Waqf Act,1995 for a period of two (2) years for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules subject to outcome of the final Judgement in W.P. No. 17266 of 2018 of the Hon'ble High Court.

The Mutawallies should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time they should submit the

Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereto.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not be entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also note that Sec.3(ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / withhold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
Andhra Pradesh State Waqf Board,
Vijayawada.

To

1. Sri.N.Haji Basheer S/o.N.Fakruddin,
 2. Sri.N.Basheer Saheb S/o.N.Mohiddin Sab
 3. Sri N. Baba Fakruddin S/o N.Fakru Saheb ,
 Mutawallies of Dargah Hzt Haji Vali (Rh, Talaricheruvu Village,
 Tadipatri Mandal, Anantapuramu District.

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